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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/616,441 | 07/09/2003 | Kevin L. Parsons | 8342-89538 | 9148 |

7590

04/19/2004

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| EXAMINER |
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WARD, JOHN A

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| ART UNIT | PAPER NUMBER |
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2875

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,441

Applicant(s)

PARSONS, KEVIN L.

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0903.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 48-52, 59 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Dalton et al (US 6,070,990).

Regarding claim 48, Dalton et al ('990) discloses a flashlight comprising of a light emitting diode 36 having a first and second leads 38, 40, a power source 30 having a first and second side, a body 21 made of translucent material (column 2, lines 14-20) to receive the battery (figure 3) and column 3, lines 1-9 teaches that a switch is operable to closes a circuit including a light source and power supply.

Regarding claims 49, 50, 51 and 60, Dalton et al discloses that the body 21, at least one sides covers 12, is made of translucent material, and at least one cover is made of a polycarbonate (column 2, lines 12-20).

Regarding claim 52 Dalton discloses a decorative element 20 is placed beneath on translucent side cover (figure 2).

Regarding claim 59, Dalton et al in figure 3 shows how the frames and side covers are integrally formed together.

Claim 62 is rejected under 35 U.S.C. 102(b) as being anticipated by Dalton et al (US 6,070,990).

Regarding claim 62, Dalton et al ('990) discloses a flashlight comprising of a light emitting diode 36 having a first and second leads 38, 40, a power source 30 having a first and second side, a body 21 made of translucent material (column 2, lines 14-20) to receive the battery (figure 3) and column 3, lines 1-9 teaches that a switch is operable to closes a circuit including a light source and power supply.

Claims 65, 66 and 70 are rejected under 35 U.S.C. 102(b) as being anticipated by Dalton et al (US 6,070,990).

Regarding claim 65, Dalton et al ('990) discloses a flashlight comprising of a light emitting diode 36 having a first and second leads 38, 40, a power source 30 having a first and second side, a body 21 made of translucent material (column 2, lines 14-20) to receive the battery (figure 3) and column 3, lines 1-9 teaches that a switch is operable to closes a circuit including a light source and power supply.

Regarding claim 66 Dalton et al discloses a decorative element 20 is placed beneath on translucent side cover (figure 2).

Regarding claim 70, Dalton et al in figure 3 shows how the frames and side covers are integrally formed together.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 53-58, 60, 61, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalton et al as applied to claims 49 and 52 above, and further in view of Vandebelt et al (US 5,457,613) and in view of Holat (US 6,036,810).

Regarding claims 53-58, 60, 61, 63 and 64 Dalton et al discloses all the limitations of the claimed invention as cited above including a light source, body and power source, but does not disclose the a decorative foil placed beneath at least one translucent side cover.

Regarding claims 53-55, 61 and 63, Vandebelt et al ('613) discloses a card light flashlight comprising of a light source 26, a power source 22, and a cover 54 that houses a casing 14 that houses the light source and power source and column 4, lines 2-7, teaches that an imprinted media may be apply to the casing.

Regarding claims 53 and 55-57 does not disclose a holographic foil sheet.

Regarding claims 53 and 55-57, Holat ('810) discloses holographic foil sheet 10 having a decorative image 12.

Regarding claims 58, 60 and 64, Vandebelt in view of Holat does not disclose that the covers are dent resistant and made of a polycarbonate.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the casing of a polycarbonate material being dent

resistant, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability of the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the LED flashlight of Dalton et al with the decorative flashlight of Vandebelt et al along with the holographic stamp of Holat in order to provide a flashlight that is small and decorative as taught by Vandebelt (column 2, lines 10-15).

Claims 67-69, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalton et al as applied to claims 65 above, and further in view of Vandebelt et al (US 5,457,613) and in view of Holat (US 6,036,810).

Regarding claims 67-69 and 71 Dalton et al discloses all the limitations of the claimed invention as cited above including a light source, body and power source, but does not disclose the a decorative foil placed beneath at least one translucent side cover.

Regarding claim 71, Vandebelt et al ('613) discloses a card light flashlight comprising of a light source 26, a power source 22, and a cover 54 that houses a casing 14 that houses the light source and power source and column 4, lines 2-7, teaches that an imprinted media may be applied to the casing.

Regarding claims 67-68 does not disclose a holographic foil sheet.

Regarding claims 67-68, Holat ('810) discloses holographic foil sheet 10 having a decorative image 12.

Regarding claim 69, Vandebelt in view of Holat does not disclose that the covers are dent resistant and made of a polycarbonate.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the casing of a polycarbonate material being dent resistant, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability of the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the LED flashlight of Dalton et al with the decorative flashlight of Vandebelt et al along with the holographic stamp of Holat in order to provide a flashlight that is small and decorative as taught by Vandebelt (column 2, lines 10-15).

Claims 72-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalton et al in view of Vandebelt et al (US 5,457,613) and in view of Holat (US 6,036,810).

Regarding claim 72, Dalton et al ('990) discloses a flashlight comprising of a light emitting diode 36 having a first and second leads 38, 40, a power source 30 having a first and second side, a body 21 made of translucent material (column 2, lines 14-20) to

receive the battery (figure 3) and column 3, lines 1-9 teaches that a switch is operable to closes a circuit including a light source and power supply.

Regarding claims 72-76 Dalton et al discloses all the limitations of the claimed invention as cited above including a light source, body and power source, but does not discloses the a decorative foil placed beneath at least one translucent side cover.

Regarding claims 72-73 and 75, Vandebelt et al ('613) discloses a card light flashlight comprising of a light source 26, a power source 22, and a cover 54 that houses a casing 14 that houses the light source and power source and column 4, lines 2-7, teaches that an imprinted media may be apply to the casing.

Regarding claim 73 does not disclose a holographic foil sheet.

Regarding claim 73, Holat ('810) discloses holographic foil sheet 10 having a decorative image 12.

Regarding claims 74 and 76, Vandebelt in view of Holat does not disclose that the covers are dent resistant and made of a polycarbonate.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the casing of a polycarbonate material being dent resistant, since it has been held to be with in the general skill of a worker in the art to select a known material on the basis of its suitability of the intended use as a matter of obvious design choice. ***In re Leshin, 125 USPQ 416.***

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the LED flashlight of Dalton et al with the decorative flashlight of Vandebelt et al along with the holographic stamp of Holat in

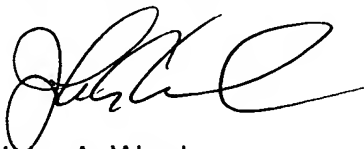
order to provide a flashlight that is small and decorative as taught by Vandebelt (column 2, lines 10-15).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAW
April 13, 2004



John A. Ward
Patent Examiner AU 2875